

Exhibit 4

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EVOLUTIONARY INTELLIGENCE, LLC

Case No. 5:13-cv-4513-RMW

Plaintiff,

**AFFIRMATION IN SUPPORT OF
AUTHENTICITY OF ATTACHED
EXHIBITS**

V.

SPRINT NEXTEL CORP. et al.,

Defendants.

I, Kenneth A. Matuszewski, declare the following:

I am an Associate at the law firm of Rabicoff Law LLC, attorneys for Plaintiff Evolutionary Intelligence, LLC (“Evolutionary”). I make this declaration in support of Plaintiff Evolutionary’s Memorandum of Points and Authorities in Support of its Motion for Relief from Judgment under Fed. R. Civ. P. 60(b)(6). Unless otherwise noted, I have personal knowledge of the information discussed herein, and if called upon to testify, I could and would do so competently.

1. The documents attached to this Declaration are all publicly available from PACER.

2. Attached as Exhibit 1 is a true and accurate copy of the publicly available decision from PACER: Plaintiff-Appellant's Corrected Opening Brief and Addendum, *Evolutionary Intelligence, LLC v. Sprint Nextel Corp., et al.*, 16-1188 (Fed. Cir. 2016) (No. 94).

3. Attached as Exhibit 2 is a true and accurate copy of the publicly available decision from PACER: Appellant’s Combined Petition for Rehearing and Rehearing en Banc, *Evolutionary Intelligence, LLC v. Sprint Nextel Corp., et al.*, 16-1188 (Fed. Cir. 2016) (No. 164).

4. Attached as Exhibit 3 is a true and accurate copy of the publicly available decision from Business De Novo, available at: *Evolutionary Intelligence, LLC v. Sprint Nextel Corp., et al.*, 16-1188 (Fed. Cir. 2016), *petition for cert. filed* (U.S. 2017) (No. 17-____).

I state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

Date: December 30, 2018 /s/ Kenneth Matuszewski
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